

IC 2-5-18

Chapter 18. Administrative Rules Oversight Committee

IC 2-5-18-1

"Agency" defined

Sec. 1. As used in this chapter, "agency" has the meaning set forth in IC 4-22-2-3.

As added by P.L.12-1993, SEC.1.

IC 2-5-18-2

"Committee" defined

Sec. 2. As used in this chapter, "committee" refers to the administrative rules oversight committee established by section 4 of this chapter.

As added by P.L.12-1993, SEC.1.

IC 2-5-18-3

"Rule" defined

Sec. 3. As used in this chapter, "rule" has the meaning set forth in IC 4-22-2-3.

As added by P.L.12-1993, SEC.1.

IC 2-5-18-4

Establishment of committee

Sec. 4. The administrative rules oversight committee is established. The committee has oversight over the rules of any agency that is not listed in IC 4-21.5-2-4.

As added by P.L.12-1993, SEC.1.

IC 2-5-18-5

Members; appointments; vacancies

Sec. 5. (a) The committee consists of the following eight (8) members of the general assembly:

(1) Four (4) members of the house of representatives appointed by the speaker of the house of representatives. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(2) Four (4) members of the senate appointed by the president pro tempore of the senate. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(b) The appointing authorities shall make the appointments under subsection (a) as follows:

(1) In 2013:

(A) after the adjournment sine die of the first regular session of the one hundred eighteenth general assembly; and

(B) before July 1, 2013.

(2) In each even-numbered year, beginning in 2014:

(A) after the election of the general assembly; and

(B) before December 1.

Subject to subsection (c), an appointment made under this subdivision remains in effect until the election of the next general assembly and a subsequent appointment under this subdivision.

(c) Any vacancy occurring on the committee must be filled by the appointing authority for the unexpired term.

As added by P.L.12-1993, SEC.1. Amended by P.L.291-2013, SEC.1.

IC 2-5-18-6

Chair; meeting to organize

Sec. 6. (a) The speaker of the house of representatives shall appoint a member of the committee to be the chair of the committee for a term beginning on July 15 in an odd-numbered year and ending on July 14 in an even-numbered year.

(b) The president pro tempore of the senate shall appoint a member of the committee to be chair of the committee for a term beginning on July 15 in an even-numbered year and ending on July 14 in an odd-numbered year.

(c) A vacancy in the position of chair of the committee resulting from an intervening general election or any other reason shall be filled for the remainder of the unexpired term by the appointing authority for that term of office.

(d) The committee shall meet to organize on the call of the chair. In calendar year 2013, the organizational meeting must be held not later than July 15, 2013. After calendar year 2013, the organizational meeting must be held not later than December 15 of each even-numbered year. The committee shall meet at the call of the chair.

As added by P.L.12-1993, SEC.1. Amended by P.L.4-1995, SEC.11; P.L.291-2013, SEC.2.

IC 2-5-18-7

Per diem, mileage, and travel allowances

Sec. 7. Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council. These expenses shall be paid from funds appropriated to the legislative council.

As added by P.L.12-1993, SEC.1.

IC 2-5-18-8

Committee's duties

Sec. 8. (a) The committee shall receive and may, at its discretion, review a complaint filed by a person regarding a rule or practice of an agency.

(b) Subject to IC 4-22-2-46, the committee may, on its own initiative, review an agency rule or proposed rule, an agency practice, or a failure of an agency to adopt a rule.

(c) The committee may recommend that:

(1) a rule or proposed rule be modified, repealed, or adopted, as

applicable; or

(2) in the case of a proposed rule reviewed under IC 4-22-2-46, the proposed rule be approved or disapproved by the governor.

(d) When appropriate, the committee shall prepare and arrange for the introduction of a bill to clarify the intent of the general assembly when the general assembly enacted a law or to correct the misapplication of a law by an agency.

As added by P.L.12-1993, SEC.1. Amended by P.L.291-2013, SEC.3.

IC 2-5-18-9

Quorum; number of affirmative votes required for action

Sec. 9. (a) Five (5) members of the committee constitute a quorum.

(b) The affirmative vote of five (5) members of the committee is required for the committee to take any action.

As added by P.L.12-1993, SEC.1.

IC 2-5-18-10

Notice of meetings

Sec. 10. (a) Notice of the time, place, and agenda of committee meetings may be given in the Indiana Register.

(b) The committee may require publication of a periodic announcement in the Indiana Register that describes the duties of the committee and the procedure for filing complaints.

(c) The committee may require publication in the Indiana Register of an account of all or part of the proceedings of the committee.

As added by P.L.12-1993, SEC.1.

IC 2-5-18-11

Provision of staff

Sec. 11. Staff for the committee shall be provided by the legislative services agency.

As added by P.L.12-1993, SEC.1.